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EXAMINER	
CERVETTI, DAVID GARCIA	

ART UNIT	PAPER NUMBER
2136	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/733,219	MARCJAN, CEZARY	
	Examiner	Art Unit	
	David G. Cervetti	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/14/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-39 are pending and have been examined.

Claim Objections

2. Claim 13 is objected to because of the following informalities: "ID" must be spelled out. Appropriate correction is required.

3. Claim 19 is objected to because of the following informalities: "TCP", "HTTP" must be spelled out. Appropriate correction is required.

4. Claim 33 is objected to because of the following informalities: "i which". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what the intended metes and bounds of claim 31 is (further comprising means for determining which of the one or more available services **to route select ones of the plurality of** requests). The claim has not been further treated on the merits.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-21, 23-25, 27-30, and 33-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. (US Patent 6,158,011, hereinafter Chen).

Regarding claim 1, Chen teaches

- a system that facilitates data sharing **(abstract)**, comprising:
- a request component that receives a request to access data stored behind a firewall **(col. 4, lines 1-33, application level security system)**; and
- an authorization component that verifies if the request is associated with a key that permits access to the data **(col. 4, lines 45-67, col. 5, lines 1-15)**.

Regarding claim 14, Chen teaches

- a system that facilitates the sharing of data **(abstract)**, comprising:
- a request component that receives a request from a requestor to access data stored behind a firewall **(col. 4, lines 1-33, application level security system)**; and
- a communications component that establishes a secure tunnel from the data to the requestor of the data **(col. 4, lines 1-33)**.

Regarding claim 25, Chen teaches

- a method that facilitates data sharing **(abstract)**, comprising:

- receiving a request from a requestor to access data of a sharor stored behind a firewall **(col. 4, lines 1-33, application level security system)**;
- verifying if the request is associated with a key that permits access to the data **(col. 4, lines 45-67, col. 5, lines 1-15)**;
- determining one or more levels of access for the requestor **(col. 11, lines 20-52)**; and
- establishing a secure tunnel between a sharor of the data and the requestor **(col. 4, lines 1-33)**.

Regarding claim 30, Chen teaches

- a system that facilitates data sharing **(abstract)**, comprising:
- means for receiving a plurality of requests from at least one requestor to access data of a sharor stored behind a firewall **(col. 4, lines 1-33, application level security system)**;
- means for routing the plurality of requests to one or more available services **(col. 4, lines 45-67, col. 5, lines 1-45)**;
- means for verifying if the request is associated with a key that permits access to the data **(col. 4, lines 45-67, col. 5, lines 1-15)**; and
- means for establishing a secure tunnel between a sharor of the data and the requestor **(col. 4, lines 1-33)**.

Regarding claim 34, Chen teaches

- a computer-readable medium having computer-executable instructions for performing a method of sharing data **(abstract)**, the method comprising:
- receiving a request from a requestor to access data of a sharor stored behind a firewall **(col. 4, lines 1-33, application level security system)**;
- verifying if the request is associated with a key that permits access to the data **(col. 4, lines 45-67, col. 5, lines 1-15)**;
- determining one or more levels of access for the requestor **(col. 11, lines 20-52)**; and
- establishing a secure tunnel between a sharor of the data and the requestor **(col. 4, lines 1-33)**.

Regarding claim 2, Chen teaches a communications component that establishes a secure tunnel to a requestor of the data **(col. 4, lines 1-33, col. 11, lines 20-52)**.

Regarding claim 3, Chen teaches the data communicated through the tunnel is encrypted **(col. 4, lines 1-33, col. 11, lines 20-52)**.

Regarding claim 4, Chen teaches the communications component only permits access to the particular data **(col. 11, lines 20-52)**.

Regarding claim 5, Chen teaches the communications component only permits uni-directional flow of the data after the request is processed **(col. 11, lines 20-52)**.

Regarding claim 6, Chen teaches a permissions component that determines one or more levels of access permitted to entities outside the firewall **(col. 9, lines 5-45)**.

Regarding claim 7, Chen teaches the one or more levels of access include a complete access level **(col. 9, lines 5-45)**.

Regarding claim 8, Chen teaches the one or more levels of access include a plurality of limited access levels **(col. 7, lines 1-45)**.

Regarding claim 9, Chen teaches provides for authorizing storage of the data from outside to behind the firewall **(col. 7, lines 1-45)**.

Regarding claim 10, Chen teaches the request is received from a requestor located behind a requestor firewall, wherein a secure tunnel is created and extended from the data behind the firewall through the requestor firewall to the requestor **(col. 7, lines 1-45)**.

Regarding claim 11, Chen teaches a computer system that includes a computer readable medium having stored thereon the components of claim 1 **(col. 12, lines 1-40)**.

Regarding claim 12, Chen teaches a computer readable medium having stored thereon computer executable instructions for carrying out the system of claim 1 **(col. 12, lines 1-40)**.

Regarding claim 13, Chen teaches the data is shared based upon at least one of a location ID, a personal ID, a globally unique ID, and a uniform resource identifier **(col. 12, lines 1-30)**.

Regarding claim 15, Chen teaches a permissions component that determines one or more levels of access permitted to entities outside the firewall, the one or more levels of access include a complete access level and a plurality of limited access levels **(col. 9, lines 5-45)**.

Regarding claim 16, Chen teaches a classifier that automatically performs at least one of load balancing of the data sharing process, learning a level of access of the requestor, determining levels of priority for scheduling the sharing of the data, and analyzing content of the data to determine permission levels **(col. 7, lines 1-45)**.

Regarding claim 17, Chen teaches the request is used to determine the location of the data **(col. 4, lines 1-35)**.

Regarding claim 18, Chen teaches is in the form of a service that is at least one of local to the data and remote from the data **(col. 6, lines 1-45)**.

Regarding claim 19, Chen teaches at least one of a sharor of the data and the requestor opens a TCP connection to the system via an HTTP-based proxy **(col. 5, lines 17-67, col. 6, lines 1-45)**.

Regarding claim 20, Chen teaches an authorization component that uses the request to determine a location of the data **(col. 4, lines 1-35)**.

Regarding claim 21, Chen teaches determines that both the requestor and a sharor of the data are online and authenticated before establishing the secure tunnel there between **(col. 6, lines 1-35)**.

Regarding claim 23, Chen teaches a cache that facilitates expeditious data transfer and request processing **(col. 11, lines 20-55)**.

Regarding claim 24, Chen teaches the data includes a class of different data files **(col. 11, lines 20-55)**.

Regarding claim 27, Chen teaches transmitting rules data with the shared data such that the shared data can be manipulated only in conformity with the rules data **(col. 11, lines 45-55)**.

Regarding claim 28, Chen teaches creating a mirror of the data at the requestor for at least the purpose of collaboration where the data is edited **(col. 11, lines 45-55)**.

Regarding claim 29, Chen teaches the sharor receives the edited data and at least one of overwrites the data and creates a new version thereof **(col. 11, lines 45-55)**.

Regarding claim 33, Chen teaches automatically estimating a level of security of an environment of the sharor i which the data is stored **(col. 11, lines 45-55)**.

Regarding claim 35, Chen teaches the requestor must store the data with at least the same level of security in which the data is stored at the sharor **(col. 12, lines 1-35)**.

Regarding claim 36, Chen teaches the data is communicated between the sharor and the requestor by at least one of the sharor pushing the data to the requestor and the requestor pulling the data from the sharor **(col. 11, lines 20-55)**.

Regarding claim 37, Chen teaches dynamically creating a shared space for the shared data based on information that includes at least one of a physical location, a network location, date and time, and a virtual location **(col. 12, lines 1-30)**.

Regarding claim 38, Chen teaches automatically altering a share name of the shared space using the information **(col. 12, lines 1-30)**.

Regarding claim 39, Chen teaches automatically creating an additional code that facilitates redirection to and access of the shared data **(col. 12, lines 1-30)**.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 22, 26, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen.

Regarding claims 22 and 26, Chen teaches monitors the sharing of the data **(col. 11, lines 20-55)**, but does not expressly disclose shutting down the secure tunnel after the data sharing has completed. However, Examiner takes Official Notice that shutting down a connection or closing a connection after finishing a task or making a connection an always-on connection and timing out for idling was conventional and well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to perform any of these after the task (data sharing) was finished since Examiner takes Official Notice that it was conventional and well known.

Regarding claim 32, Chen does not expressly disclose load balancing the plurality of requests between the one or more available services. However, Examiner

takes Official Notice that load balancing requests for services was conventional and well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to load balance the plurality of requests between the one or more available services on the system of Chen since Examiner takes Official Notice that it was conventional and well known.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571)272-5861. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DGC

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5/26/07